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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,244	11/02/2000	Jerome M. Gauthier	Sloan B-344	2637

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EXAMINER	
NGUYEN, NAM V	
ART UNIT	**PAPER NUMBER**
2635	

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/704,244	GAUTHIER ET AL.	
	Examiner	Art Unit	
	Nam V Nguyen	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 November 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *14-21* is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☒ Claim(s) *13* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This communication is in response to applicant's amendment which is filed November 8, 2004 in the application of Gauthier et al. for a "system for remote operation of a personal hygiene or sanitary appliance" filed November 2, 2000.

Claims 1-21 are pending.

Response to Arguments

Applicant's amendments to the rejected claims are insufficient to distinguish the claimed invention from the cited prior arts or overcome the rejection of said claims under 35 U.S.C § 103(a) as discussed below. Applicant's argument with respect to the pending claims 1-13 filed November 8, 2004, have been fully considered but they are not persuasive for at least the following reasons.

On page 8, last paragraph, Applicant's arguments with respect to the invention in Laverty, Jr. et al. (hereafter Laverty) does not teach or suggest a personal hygiene appliance which is one of a hand dryer or paper towel dispenser is not persuasive.

As defined by claim 1, the remote control system of Laverty is suggested a personal hygiene appliance such that liquid supply fixtures (column 1 line 59 to column 2 line 4; see Figure 13). The claim 1 requires only one of a toilet flush valve, a urinal flush valve, a faucet, a

shower head, a soap dispenser, a hand dryer, and a paper towel dispenser. Therefore, Laverty only need to suggest one of the appliances.

On page 8, last paragraph, Applicant's arguments with respect to the invention in Laverty does not teach or suggest an appliance radio receiver connected electrically to said operator to provide an activating signal thereto is not persuasive.

As defined by claim 1, the remote control system of Laverty is suggested a receiver (R) connects directly to a microprocessor (U1) to receive control signal from a two way infrared communication remote control unit to control the operation of the solenoid flush valve combination of a liquid supply fixture (column 2 line 51 to 58; column 4 line 27 to column 6 line 60; see Figures 1-13). Therefore, Laverty suggests an appliance radio receiver connected electrically to said operator to provide an activating signal.

Furthermore, Garvey et al. disclose that a user interface is provided which includes a user input device, for example a keypad, and a user display. The user input device allows for user selection of pre-programmed system parameters and functions, and also allows for user programming of the control unit to input new system parameters and functions, or to modify existing parameters and functions (column 9 lines 50 to 63; see Figure 1). Remote control can be provided for various system elements, e.g., flow control and shut-off valves, flow and temperature sensors, etc., and can employ a variety of conventional signal transmission/reception/control devices. For example, remote control of system functions may employ conventional infrared (IR), radio frequency (RF), internet, intranet, direct connect remote access, satellite, or laser devices for signal transmission, reception and integrated control. In one

embodiment, the control is similar to a standard IR television remote but incorporates an electronic display with a pull-down menu allowing the user to program various system functions and receive data in accordance with the system designs and methods of the invention (column 12 lines 60 to column 13 line 7; see Figure 5). Therefore, Garvey et al. also disclose an appliance radio receiver that provides an activating signal.

Furthermore, Garvey et al. disclose that the user display provides a commensurate array of display functions and information to facilitate user monitoring of input selection and system status. For example, in the embodiment of the invention shown in FIG. 1, the user display indicates the on/off status of the system, user identification (e.g., name), if entered, and current system parameters detected by all relevant sensors (e.g., mixed fluid temperature sensor, hot water temperature sensor, flow sensor, compositional sensor, etc.) (column 15 lines 25 to 65; see Figure 5). Therefore, Garvey et al. disclose said remote receiver to acknowledge receipt of said intent message, said remote receiver, upon receipt of said acknowledge message, causing activation of said indicator in order to know the status inputted by a user.

The examiner maintains that the references cited and applied in the last office actions for the rejection of the claims are maintained in this office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laverty, Jr. et al. (US# 5,769,120) in view of Garvey et al. (US# 6,286,764).

Referring to claim 1, Laverty, Jr. et al. disclose a system for remote operation of a personal hygiene appliance which is one of a toilet flush valve, a urinal flush valve, a faucet, a shower head, a soap dispenser, a hand dryer, and a paper towel dispenser (appliance) (i.e. liquid supply fixtures) (column 1 line 59 to column 2 line 4; see Figure 13), said system (i.e. a control system) including the appliance (i.e. a liquid supply fixture), an electric operator (SFV) (i.e. a solenoid flush valve combination) for controlling operation of said appliance (i.e. a liquid supply fixture), an appliance radio receiver (R) (i.e. receiver for receiving command signal from a remote control unit) connected electrically to said operator (UI) (i.e. a microprocessor) to provide an activating signal thereto, an appliance radio transmitter (i.e. transmitter for transmitting transmitted signal) connected to said appliance radio receiver (R) (column 4 line 27 to column 6 line 60; see Figures 1-13),

means (i.e. a remote control unit) remote from said appliance (i.e. a liquid supply fixture), for signaling an intent to cause operation of said appliance (i.e. a liquid supply fixture), a remote radio transmitter connected to said means for signaling an intent and operable thereby (column 127 line 46 to column 128 line 4; see Figure 13);

Said remote radio transmitter (i.e. a transmitter of a remote control unit) being programmed to transmit a message unique to said means for signaling an intent (intent message), upon being activated by said means (i.e. input signal from a remote control unit) for signaling an

intent, said appliance receiver (R) (i.e. receiver) being programmed to receive said intent message and upon receipt thereof to cause operation of said electric operator (SFV) (i.e. a solenoid flush valve combination) (column 127 line 46 to column 128 line 4; see Figure 13).

However, Laverty, Jr. et al. did not explicitly disclose an indicator located at said means for signaling an intent, a remote radio receiver connected to said indicator to provide an operating signal therefor, and

Said appliance transmitter to send a message unique to said appliance (acknowledge message) to said remote receiver to acknowledge receipt of said intent message, said remote receiver, upon receipt of said acknowledge message, causing activation of said indicator.

In the same field of endeavor of remote control of fluid delivery system, Garvey et al. teach that an indicator (64) (i.e. a display) located at said means (62) (i.e. a user input device) for signaling an intent, a remote radio receiver (not shown) connected to said indicator (64) to provide an operating signal therefor (column 9 line 50 to column 10 line 26; column 12 lines 60 to 67; see Figure 1), and

Said appliance transmitter (34) (i.e. a control unit) to send a message unique to said appliance (acknowledge message) (i.e. status signal) to said remote receiver to acknowledge receipt of said intent message, said remote receiver, upon receipt of said acknowledge message, causing activation of said indicator (64) (i.e. display) (column 11 lines 16 to 34; column 12 lines 12 to 16; column 15 lines 25 to 65; see Figure 5) in order to facilitate user monitoring of input selection and system status.

One of ordinary skilled in the art recognizes the need to have a remote user interface to receive status information to display from a supply system of Garvey et al. in the remote control

unit of a liquid supply fixture of Laverty, Jr. et al. because Laverty, Jr. et al. suggest it is desired to provide that a control system for a liquid supply fixture response to signals (column 127 lines 46 to column 128 line 4) and Garvey et al. disclose that a control unit transmits signal to the remote user interface to display the status information of a control unit (column 15 lines 25 to 65) in order to monitor the status of the fluid supply system. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to add a remote user interface to receive status information to display from a supply system of Garvey et al. in the remote control unit of a liquid supply fixture of Laverty, Jr. et al. with the motivation for doing so would have been to provide a wireless remote control of a liquid supply fixture with a status information display in order for the user to monitor the status remotely.

Referring to Claim 2, Laverty, Jr. et al. in view of Garvey et al. disclose the system of Claim 1, Laverty, Jr. et al. disclose wherein said means (i.e. a remote control unit) for signaling an intent includes an infrared sensor (column 1 lines 59 to 64; column 2 lines 51 to 58; see Figure 1).

Referring to Claim 3, Laverty, Jr. et al. in view of Garvey et al. disclose the system of Claim 1, Garvey et al. disclose wherein said means (60) (i.e. a remote user interface) for signaling an intent includes a manually activated switch (62) (i.e. a user input key pad) (column 9 lines 50 to 62; see Figure 1).

Referring to Claim 4, Laverty, Jr. et al. in view of Garvey et al. disclose the system of Claim 1, Laverty, Jr. et al. disclose wherein said means for signaling an intent include an infrared sensor (column 1 lines 59 to 64; column 2 lines 51 to 58; see Figure 1) and Garvey et al. disclose manually activated switch (62) (i.e. a user input key pad) (column 9 lines 50 to 62; see Figure 1).

Referring to Claim 5, Laverty, Jr. et al. in view of Garvey et al. disclose the system of Claim 1, Laverty, Jr. et al. disclose wherein said appliance (i.e. a liquid supply fixture) is a flush valve connected to operate a urinal (column 127 lines 46 to 56).

Referring to Claim 6, Laverty, Jr. et al. in view of Garvey et al. disclose the system of Claim 1, Laverty, Jr. et al. disclose wherein said appliance is a flush valve connected to operate a water closet (column 127 lines 46 to 56).

Referring to Claim 7, Laverty, Jr. et al. in view of Garvey et al. disclose the system of Claim 1, Laverty, Jr. et al. disclose wherein said appliance is a faucet (column 3 lines 39 to 57; see Figure 1).

Referring to Claim 8, Laverty, Jr. et al. in view of Garvey et al. disclose the system of Claim 1, Garvey et al. disclose wherein said appliance is a soap dispenser (column 1 line 12 to 26).

Referring to Claim 9, Laverty, Jr. et al. in view of Garvey et al. disclose the system of Claim 1, Garvey et al. disclose wherein said appliance is a shower head (37) (column 5 lines 13 to 28; column 6 lines 45 to 56; see Figure 1).

Referring to Claim 10, Laverty, Jr. et al. in view of Garvey et al. disclose the system of Claim 1, Garvey et al. disclose wherein said appliance is a paper tower dispenser (column 1 line 12 to 26).

Referring to Claim 11, Laverty, Jr. et al. in view of Garvey et al. disclose the system of Claim 1, Garvey et al. disclose wherein said appliance is a hand dryer (column 1 line 12 to 26).

Referring to Claim 12, Laverty, Jr. et al. in view of Garvey et al. disclose the system of Claim 1, Laverty, Jr. et al. disclose wherein said indicator (64) is a light emitting diode (column 3 lines 50 to 57; column 6 lines 61 to 67).

Allowable Subject Matter

Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Referring to claim 13, the following is an examiner's statement of reasons for allowance: The prior art of record fails to disclose or suggest wherein said intent message includes an address unique to a specific appliance, and said acknowledge message includes an address unique to a specific appliance, but differing from the address of said intent message.

Claims 14-21 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 703-305-3867. The examiner can normally be reached on Mon-Fri, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nam Nguyen
February 13, 2005

MICHAEL HORABIK
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